

Notice of Allowability

Application No.

10/509,894

Examiner

Jason M. Nolan, Ph.D.

Applicant(s)

LOHRAY ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/07/2007.
2. ☒ The allowed claim(s) is/are 1-17, 19 and 20, (now 1-19).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>08/09/2007</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Claims 1-17 & 19-21 are pending in the instant application; of which **Claims 1-3, 6, 9, 11, 17 & 21** are currently amended.

Information Disclosure Statement

Applicants' information disclosure statement (IDS), filed on 08/09/2007 has been considered. Please refer to Applicants' copy of the 1449 submitted herein.

Response to Amendment

Applicant's amendments, see Amendment – After Non-Final Rejection, filed 08/07/2007, with respect to **Claims 1-3, 6, 9, 11, 17 & 21** have been fully considered and are entered. The 103-prior art rejection of **Claims 1 & 4-12** is withdrawn per amendment. The 112-enablement rejections to **Claims 1, 9, 11 & 17** are withdrawn per amendment. The 112-antecedent basis rejection of **Claim 2** is withdrawn: the Examiner misunderstood the claim and the rejection is moot. The claim objections to **Claims 3, 13-16 & 19-21** are withdrawn per amendment.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Gary Tanigawa on September 11, 2007 and October 25, 2007.

The application has been amended as follows:

1. In **Claim 3** *amend* the status identifier *from* (previously presented) *to* (currently amended).

2. **Delete** the existing **Claim 2** and **insert** - - The compound as claimed in claim 1, wherein the substituents on R₃ and R₄ represent a cyano, nitro, halo, carboxyl, amino, thio, hydroxy, or a substituted or unsubstituted group selected from the group consisting of alkyl which may be linear or branched, perhaloalkyl, alkoxy, acyl, acyloxy, oxo, carboxyalkyl, haloalkyl, aminoalkyl, haloalkoxy, hydroxyalkyl, alkoxyalkyl, thioalkyl, alkylthio, alkylsulfinyl, alkylsulfonyl, alkylsulfoximiny, acylamino, N-alkylamino, N,N-dialkylamino, alkoxycarbonyl, aminocarbonyl, and ~~or~~ cycloalkyl groups. - -

3. **Delete** the existing **Claim 3** and **insert** - - The compound as claimed in claim 1, wherein the substituents on X₁, X₂, X₃, and X₄ represent a cyano, nitro, halo, carboxyl, hydrazino, azido, formyl, amino, thio, hydroxy or a substituted or unsubstituted group selected from the group consisting of alkyl which may be linear or branched, alkoxy, alkoxycarbonyl, acyl, acylamino, acyloxy, hydrazinoalkyl, alkylhydrazido, carboxyalkyl, haloalkyl, aminoalkyl, haloalkoxy, hydroxyalkyl, alkoxyalkyl, thioalkyl, alkylthio, alkylsulfinyl, alkylsulfonyl, aryl, aralkyl, aryloxy, aralkoxy, aryloxyalkyl, aralkoxyalkyl, alkoxycarbonyl, and amidino groups. - -

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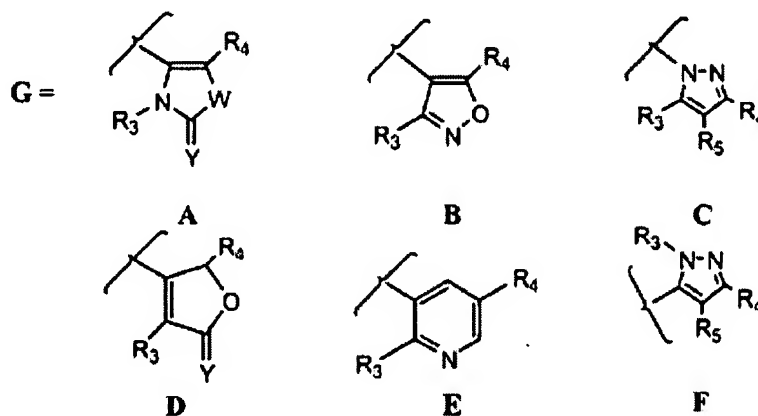
4. In **Claim 9**, *after* "A method of treating" and *before* "in a subject..." **delete** "inflammation or pain" and **insert** - - pain, fever, or inflammation - -.

5. In **Claim 11**, *after* "A method of treating" and *before* "in a subject..." **delete** "inflammation or pain" and **insert** - - pain, fever, or inflammation - -.

6. In **Claim 17**, *after* "A method of treating" and *before* "in a subject..." **delete** "inflammation or pain" and **insert** - - pain, fever, or inflammation - -.

7. In **Claim 19**, *after* the picture of formula (I) and *before* "R₁ represents hydrogen, substituted or unsubstituted..." **delete**

" wherein G represents one of A, B, C, D, E, or F as described below:

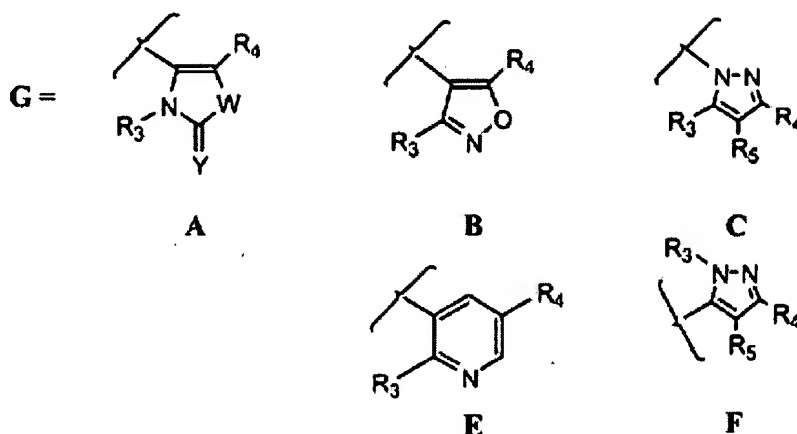


“.

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and *insert*

- - wherein G represents one of A, B, C, E, or F as described below:



8. In **Claim 20**, *delete* the existing claim and *insert* - - The process as claimed in claim 19 further comprising converting the compound of formula (I) to its pharmaceutically-acceptable salt. - -.

9. In **Claim 13**, page 8 of claims 08/07/2007, *after* "3-(4-Methoxyphenyl)-5-methyl-4-(4-methylsulfoximinylphenyl)-isoxazole" and *before* "5-Chloro-3-(4-methylsulfoximinylphenyl)-6'-methyl-[2,3']bipyridinyl" *delete* lines 16-22, shown below:

"

3-(3,4-Dichlorophenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-(4-Chlorophenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-Phenyl-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-(3,4-Difluorophenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-(3,4-Dimethoxyphenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-(4-Methoxyphenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;
 3-(4-Methylphenyl)-4-(3-fluoro-4-methylsulfoximinylphenyl)-5H-furan-2-one;

"

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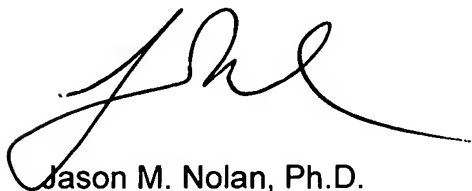
2. **Delete/Cancel Claim 21.** Said claim is canceled without prejudice; therefore Applicants retain the right to file divisional or continuation applications on the contents thereof.

Conclusion

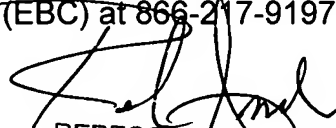
Claims 1-17, 19 & 20 are allowed and have been renumbered as **Claims 1-19.**

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jason M. Nolan, Ph.D.** whose telephone number is **(571) 272-4356** and electronic mail is **Jason.Nolan@uspto.gov**. The examiner can normally be reached on Mon - Fri (9:00 - 5:30PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph M^cKane** can be reached on **(571) 272-0699**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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REBECCA ANDERSON
PRIMARY EXAMINER

Joseph K. M^cKane
Supervisory Patent Examiner
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Date: October 25, 2007